United Nations A/65/752

General Assembly

Distr.: General
23 February 2011

Original: English

Sixty-fifth session
Agenda items 139 and 143

Report on the activities of the Office of Internal Oversight Services

Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Programme evaluation of the performance and the achievement of results by the United Nations Mission in the Sudan

Report of the Office of Internal Oversight Services

"Although the original objective of the Comprehensive Peace Agreement — to make unity attractive — has not been met, UNMIS support to the implementation of the Agreement has contributed to the holding of the ceasefire"

Summary

The Office of Internal Oversight Services (OIOS) evaluated the performance and achievement of results by the United Nations Mission in the Sudan (UNMIS). The evaluation's objective was to determine the relevance, efficiency and effectiveness (including impact) of UNMIS in relation to its mandated objectives. The purpose of the present report is to enable the Secretariat and Member States to engage in systematic reflection, with a view to increasing the effectiveness of UNMIS.

To conduct the evaluation, OIOS used a mix of qualitative and quantitative methods, including in-depth interviews with stakeholders (e.g., representatives of the Government of the Sudan, Mission management and staff, the United Nations country team, external stakeholders and staff of the Department of Peacekeeping Operations and the Department of Field Support); a survey of UNMIS staff; and a structured review of United Nations documents.

UNMIS support to the implementation of the Comprehensive Peace Agreement has contributed to a five-year ceasefire between North and South Sudan. Most of the governmental bodies and laws stipulated in the Comprehensive Peace Agreement and

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a wealth-sharing arrangement exist. Combined with the maintenance of the ceasefire, the Mission's achievements in programmatic areas, such as elections and mine clearance, were noticeable.

Though the Mission has made progress towards fulfilling its mandate, it has contended with serious challenges, which have hampered its success. During its first years of deployment, UNMIS needed to focus on Darfur rather than on the implementation of the Comprehensive Peace Agreement. The Mission suffered from high vacancy rates in key positions — for more than a year it lacked a Head of Mission, the Special Representative of the Secretary-General. Furthermore, the Mission cannot fully implement its monitoring and verification mandate unless it has freedom of movement, a condition it has not yet enjoyed.

Cooperation with the United Nations country team has been weak. The Mission lacked both integrated strategic planning and integrated programme implementation. Though UNMIS was established in 2005, it did not develop its first integrated implementation plan until 2008. National elections highlighted that the United Nations had not acted "as One" in Sudan. Components of the Integrated United Nations Disarmament, Demobilization and Reintegration Unit have worked in a parallel rather than in an integrated manner. However, during the last year, integration has increased, as evidenced by the holding of expanded United Nations country team meetings and the establishment of the United Nations Integrated Referendum and Electoral Division. The UNMIS/United Nations country team integrated action plan was developed in July 2010 and preparations for referendums began in late 2010.

UNMIS faced challenges in the protection of civilians, which have negatively affected its credibility and legitimacy. During 2008 and 2009, several violent incidents affecting the civilian population occurred. The presence of UNMIS did not prevent these incidents. In cooperation with the Office of Military Affairs of the Department of Peacekeeping Operations, UNMIS has acted to remedy these problems. For example, a military capability study was conducted, followed by a reconfiguration of the military component. In addition, UNMIS has developed a new security concept for the protection of civilians and has finalized a comprehensive strategy on the protection of civilians.

The present evaluation produced nine recommendations aimed at helping the Mission improve its performance and achieve results as follows:

- Ensure a more effective partnership between the peacekeeping mission and the United Nations country team to allow the United Nations to serve "as One" in the country;
- Partner more closely with UNDP on disarmament, demobilization and reintegration;
- Make more use of the logistics bases at Brindisi and Entebbe for the creation of a new peacekeeping mission rather than tasking existing missions with assisting with start-up;
- Cooperate more with the African Union in the area of public campaigns;
- Provide more security information and analysis to the United Nations country team and non-governmental organizations;

- Report more comprehensively on human rights violations;
- Finalize a contingency plan for the post-referendum period;
- Develop exit strategies for peacekeeping missions;
- Implement the comprehensive strategy on the protection of civilians and adjust it accordingly.

The Department of Peacekeeping Operations, the Department of Field Support and UNMIS reviewed a draft version of the present report. Where appropriate, the text of the draft was amended to reflect the comments of the two departments and UNMIS. In some cases, their specific comments are incorporated in italics. OIOS appreciates the cooperation and assistance extended to it by the departments and UNMIS during the course of the evaluation.

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I. Introduction

1. In accordance with its mandate (see General Assembly resolution 48/218 B), the Office of Internal Oversight Services (OIOS) undertook a programme evaluation of the performance of the United Nations Mission in the Sudan (UNMIS). The goal of the evaluation was to determine the relevance, efficiency and effectiveness (including impact) of UNMIS in relation to its mandated objectives. The evaluation focuses on: the progress made towards the achievement of mission mandates and operational objectives; the relevance of mandates, activities and outputs in the context of the current political situation; the efficiency with which outputs were delivered; the validity of strategies and partnership arrangements; and the identification of good practices and lessons learned that can inform other peacekeeping missions.

II. Methodology

2. In conducting the evaluation, OIOS collected and analysed data using both qualitative and quantitative methods. It relied on the following data sources:

(a) A survey issued to all of UNMIS international and national staff, United Nations Volunteers, senior military and senior United Nations police staff;

(b) In-depth interviews with:

(i) Senior mission management, section chiefs and staff;

(ii) Representatives of the Government of National Unity and representatives of the Government of Southern Sudan;

(iii) Headquarters staff from the Department of Peacekeeping Operations and the Department of Field Support;

(iv) Staff of United Nations agencies, funds and programmes that form the United Nations country team for the Sudan;

(v) External stakeholders;

(c) A structured literature review of United Nations documents including reports of the Secretary-General, budget and performance reports, and technical assessment mission reports.

3. Internationally recognized researchers and experts in the peace and conflict arena reviewed the draft report and provided comments and feedback to OIOS.

4. A draft version of the report has been reviewed by the Department of Peacekeeping Operations, the Department of Field Support and UNMIS. Where appropriate, the text of the draft was amended to reflect the comments of the two departments and UNMIS. In some cases, their specific comments have been incorporated in the report in italics (for complete comments, see annex). OIOS appreciates the cooperation and assistance extended by the two Departments and senior leadership and staff in UNMIS during the course of the evaluation.

III. Background

5. The conflict between the North and South of Sudan is the longest running in Africa. In the period from 1955 until 1972, a rebellion escalated into a civil war between the North and South. The parties negotiated five protocols, which, together with the Machakos Protocol, comprise the Comprehensive Peace Agreement. The protocols detail agreements on security arrangements, wealth-sharing, power-sharing and the resolution of conflicts in Southern Kordofan/Nuba Mountains, Blue Nile and Abyei. In January 2005, the National Congress Party and the Sudan People's Liberation Army (SPLA) signed the Comprehensive Peace Agreement, commencing the interim period scheduled to end in July 2011.

6. The Comprehensive Peace Agreement includes provisions meant to benefit all of Sudan. However, it did not include or resolve the conflicts between militias in the South, in Sudan's western region of Darfur, or in Sudan's eastern region.

7. To support the implementation of the Comprehensive Peace Agreement, the Security Council established UNMIS in 2005 and decided that the mandate of the Mission would be the following (see Security Council resolution 1590 (2005), para. 4):

(a) To support implementation of the Comprehensive Peace Agreement;

(b) To facilitate and coordinate the voluntary return of refugees and internally displaced persons and humanitarian assistance by helping to establish the necessary security conditions;

(c) To assist parties to the Comprehensive Peace Agreement in cooperation with international partners in the mine action sector;

(d) To contribute towards international efforts to protect and promote human rights in Sudan, and coordinate international efforts towards the protection of civilians, with particular attention to vulnerable groups including internally displaced persons, returning refugees, and women and children, within the Mission's capabilities and in close cooperation with other United Nations agencies, related organizations and non-governmental organizations.

8. Acting under Chapter VII of the Charter, the Security Council decided that: "UNMIS is authorized to take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities, to protect United Nations personnel, facilities, installations and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers, joint assessment mechanism and assessment and evaluation commission personnel, and, without prejudice to the responsibility of the Government of Sudan, to protect civilians under imminent threat of physical violence" (ibid., para. 16).

9. To accomplish its mission, UNMIS was provided with 10,000 military personnel and 715 civilian police personnel. Since its establishment, the total budget allocated to UNMIS approximates $6 billion.

10. The Mission's mandate to support the Comprehensive Peace Agreement includes the following activities (ibid., para. 4 (a)):

(a) Monitoring and verifying the ceasefire agreement;

(b) Liaising with donors on the formation of Joint Integrated Units;

(c) Observing and monitoring the movement and redeployment of armed groups;

(d) Assisting in the establishment of a disarmament, demobilization and reintegration programme;

(e) Assisting in the promotion of understanding of the peace process;

(f) Assisting in addressing the need for a nationally inclusive approach, including the role of women, towards reconciliation and peacebuilding;

(g) Assisting in restructuring the police service;

(h) Assisting in promoting the rule of law;

(i) Ensuring an adequate human rights presence;

(j) Providing guidance and technical assistance to the elections and referendum processes.

11. Recognizing the ongoing conflict in Darfur, the Security Council in paragraph 2 of resolution 1590 (2005) requested that UNMIS "closely and continuously liaise and coordinate at all levels with the African Union Mission in the Sudan (AMIS)". An additional operational paragraph mandated UNMIS action in relation to the conflict in Darfur.

12. The programme evaluation assessed the Mission's performance in all the above-mentioned mandated areas.

IV. Evaluation results

A. The Mission's success has been hampered by a lack of cooperation and coordination between the Mission and the United Nations country team

13. Cooperation between UNMIS and the United Nations country team was unsatisfactory, despite the Secretary-General's request for an effective strategic partnership, with cooperative arrangements that are mutually supportive with different structural forms. Thus, disagreements about leadership in integrated programme activities have occurred within the United Nations Integrated Referendum and Electoral Division and the Integrated United Nations Disarmament, Demobilization and Reintegration Unit, preventing the formation of a mutually supportive strategic partnership.

14. Recently, the Mission's senior leadership has taken positive steps to enhance integration. For example, expanded United Nations country team meetings, consisting of both heads of agencies and UNMIS sections, began in March 2010. However, the meetings have primarily been used for exchange of information rather than substantive discussion.

15. Structural issues have further complicated coordination and integration between UNMIS and the United Nations country team, which have different areas of responsibility. The UNMIS Deputy Special Representative of the Secretary-General, in his capacity as the Resident and Humanitarian Coordinator and head of the United Nations country team, is responsible for the whole of the Sudan, while, in his

capacity as Deputy Head of Mission, his area of responsibility is limited to the specific mandate of UNMIS. Thus, the country team works in areas where UNMIS is absent. Further, the country team must cooperate with both UNMIS and African Union/United Nations Hybrid Operation in Darfur (UNAMID), complicating cooperation and coordination.

16. *UNMIS commented that OIOS should have more closely considered the structural issues that routinely cause tensions in integrated units and made recommendations useful for future missions.*

Integrated strategic planning was inadequate during the first years of the Mission's deployment, with insufficient use of the Strategic Planning Office and a lack of coherence between the Mission and the United Nations country team

17. During its first three years, UNMIS lacked an integrated strategic plan, despite a request from the Department of Peacekeeping Operations as early as November 2005 to develop one. A December 2006 evaluation recommended that the Mission create a mission implementation plan, and around that time, a Mission Strategic Planning Cell was approved and staffed. The prior lack of a dedicated strategic planning capacity in UNMIS seriously limited its ability to achieve coherence with the United Nations country team since no common strategic plan had been developed. Without such a plan, it was difficult for cooperation to occur.

18. In May 2007, the Mission and the United Nations country team established a strategic framework, and in 2008 developed an integrated mandate implementation plan for the period 2008-2012. Though the Mission involved the United Nations country team in the drafting of the plan, its involvement was limited. Thus, in drafting the plan, UNMIS took into account the United Nations Development Assistance Framework for the Sudan.

19. Shortcomings of the plan included the omission of a post-referendum phase and the lack of an exit strategy. For the referendums, a new plan was developed (see below). The Strategic Planning Office has mostly engaged in operational planning through the annual results-based budgeting process. The Office has assisted in the preparation and reviewed workplans and quarterly performance reports of the substantive units, leaving little time for strategic planning.

The Mission has focused fully on providing assistance to the elections and the recent referendums: it could have coordinated better with the United Nations Development Programme on these activities

20. After the 2010 elections, UNMIS conducted a lessons learned exercise regarding its role in these elections and concluded that:

(a) Rather than presenting the National Elections Commission with plans and instruments, UNMIS should have taken a more collaborative approach that emphasized capacity-building;

(b) A more integrated United Nations approach is needed. During the elections, the Mission and UNDP had not spoken as one (e.g., they provided different answers to identical questions and duplicated work), thus negatively affecting the effectiveness, efficiency and reputation of the United Nations.

21. *On the issue of a collaborative approach, UNMIS commented that the key objective was to assist the National Elections Commission in completing the process in a credible way. A capacity-building approach would have sacrificed that key objective for the sake of longer-term efforts to do comprehensive training.*

22. There were other recommendations in the lessons learned report, which were largely implemented, concerning how international assistance could better support the referendum process. Building on these lessons, and to better integrate efforts for the upcoming referendums, the United Nations Integrated Referendum and Electoral Division was created, consisting of both UNMIS and UNDP staff. While the structure of the Division is designed to enhance the efficiency and effectiveness of United Nations support to the referendums, a memorandum of understanding was not finalized until 11 November 2010, only two months before the scheduled referendums. The delay occurred because of differences regarding leadership between UNMIS and UNDP.

23. UNMIS provided technical, logistical, and security advisory support for the recent referendum and met its goal to be present in all 79 counties of Southern Sudan by the time of the referendum. The United Nations Integrated Referendum and Electoral Division prepared operational plans, voter registration manuals, training plans and voter education/public information strategies, and distributed all material needed for the voter registration process. Furthermore, UNMIS established new referendum support bases to provide support at the county level.

24. The Mission also prepared for the Abyei referendum. However, the Abyei Area Referendum Commission had not been established. During the fourth quarter of 2010, several unsuccessful attempts to break the stalemate on the Abyei referendum were made.

25. The UNMIS/UNCT integrated action plan, finalized in July 2010, focused all mission activities towards the referendums and the post-referendum period. Due to time constraints in preparing for the referendums, UNMIS and the United Nations country team agreed that the integrated action plan would substitute for the integrated strategic framework required by the integrated mission planning process. But, the Integrated Mission Plan and the United Nations Development Assistance Framework were not taken into account when developing the integrated action plan. Instead, the integrated action plan focused on the implementation of the Mission's mandate and what the United Nations country team could do to support the preparations for the referendums.

26. In interviews, OIOS heard the view that the United Nations country team was not able to influence the drafting of the plan, ultimately limiting the integration of the approach. Nevertheless, the plan has contributed to increased interaction between the Mission and the United Nations country team. For example, an Integrated Planning Coordination Team, consisting of representatives from both UNMIS and the United Nations country team, was established to assure the plan's implementation. Five working groups, each responsible for one of the five strategic objectives of the plan, were also established. Both UNMIS and the country team were represented in each of these groups and collaborated closely. The topics assigned to the working groups were as follows:

(a) Organization of the referendums;

(b) Supporting the organization of popular consultations in Southern Kordofan and Blue Nile States;

(c) Agreements on post-referendum arrangements and the implementation of provisions of the Comprehensive Peace Agreement;

(d) Overall mission area stability, conflict management and protection of civilians;

(e) Development of governance, security sector and rule-of-law capacities in Southern Sudan.

27. The new Head of Mission was working to implement the plan; however, in 2010, UNMIS staff perceived the January 2011 referendum as its main challenge. While focusing on the referendums at this stage was a reasonable priority, the Mission did not plan for other mandated tasks to the same extent.

28. In March 2010, in order to prepare for the referendums and the post-referendum period, the Office of Military Affairs of the Department of Peacekeeping Operations initiated contingency planning, reviewing possible scenarios. The integrated action plan working groups were tasked with contingency planning for the referendums and the post-referendum phase. However, OIOS was not presented with a finalized plan ahead of the referendum.

29. Nevertheless, with support from UNMIS, the referendum was conducted in a transparent and mostly peaceful manner. All the voting material needed was distributed on time to the referendum centres. Overall, polling procedures were followed and, apart from incidents in Abyei, and a few minor incidents, the security situation remained calm.

The disarmament, demobilization and reintegration programme was delayed and the Integrated United Nations Disarmament, Demobilization and Reintegration Unit has not worked in an integrated manner with other United Nations entities in the country

30. During the first two years of the Mission's deployment, unmet and unrealistic promises made by the United Nations in relation to disarmament, demobilization and reintegration strained relations with the local authorities. In 2007, the National Disarmament, Demobilization and Reintegration Coordination Council endorsed the national disarmament, demobilization and reintegration strategic plan, though the plan's implementation was delayed until January 2009. OIOS was informed that the lack of political will and a lack of planning capacity in the Integrated United Nations Disarmament, Demobilization and Reintegration Unit contributed to the delay.

31. The UNMIS disarmament, demobilization and reintegration support plan aimed to demobilize 50,000 ex-combatants by July 2010 and another 65,000 by 2011. As of November 2010, however, only 31,320 had been demobilized. Further, the lack of adequate procedures to establish disarmament, demobilization and reintegration candidates' eligibility hampered programme activities. Between late 2009 and early 2010, the disarmament, demobilization and reintegration programme was suspended until the candidate verification process could be clarified. To remedy the situation, UNMIS drafted standard operating procedures for candidate verification. After the resumption of the programme, the pace of demobilization

picked up, focusing on vulnerable groups (e.g., women, the elderly, the disabled and children). OIOS was informed that lack of access to adequate lists of the programme participants also contributed to the reduced number of demobilizations accomplished.

32. UNMIS has operational responsibility for demobilization and reinsertion, while UNDP has responsibility for reintegration. The transition for programme participants between demobilization, reinsertion and reintegration should be seamless. However, the reintegration process is of growing concern within the Mission, among donors and in Southern Sudan. In particular, the time lag of nearly a year between demobilization and reintegration is a cause for grave concern. Of the 31,320 demobilized persons, less than one third (approximately 8,500, or 27 per cent) have been reintegrated. Since demobilized ex-combatants often have no livelihood or income while waiting for reintegration, this time lag has created a security risk. Further, the reintegration backlog has forced demobilization to slow down.

33. Since the Integrated United Nations Disarmament, Demobilization and Reintegration Unit consists of staff from both UNMIS and UNDP, their lack of cooperation threatens the disarmament, demobilization and reintegration process. An administrative arrangement, signed in January 2008, set out the responsibilities of each entity. The Chief of the Unit (a staff member of the Department of Peacekeeping Operations) has overall responsibility for management and delivery of the disarmament, demobilization and reintegration programme, while the Deputy Chief (a UNDP staff member) has responsibility for actively assisting the Chief. However, this arrangement has worked unsatisfactorily because of differences in the interpretation of the agreement with respect to structure and reporting lines. UNMIS insisted on having the overall responsibility, while UNDP favoured a more collegial management style. These differences resulted in UNMIS and UNDP elements working in a parallel rather than in an integrated manner, ultimately negatively impacting the Unit's effectiveness and efficiency. To improve the disarmament, demobilization and reintegration programme, an independent programme review was commissioned during the fall of 2010.

B. While the Mission has provided important support for the implementation of the Comprehensive Peace Agreement, full results have not been achieved

34. UNMIS has provided important support to the implementation of the Comprehensive Peace Agreement, the main part of the Mission's mandate. In general, the ceasefire has been sustained. However, the agreement has occasionally been breached, with violent incidents between the two parties. In supporting the Comprehensive Peace Agreement, UNMIS contributed to limiting ceasefire violations, in particular by providing the parties an opportunity to meet and discuss ceasefire-related incidents.

35. Generally, the parties to the Comprehensive Peace Agreement have established the Government of National Unity and Government of Southern Sudan government bodies, ministries and commissions, in accordance with the Agreement. However, the development of state and local government offices and ministries in the South has lagged behind, undermining their ability to deliver on Comprehensive Peace

Agreement provisions. During the mandated period, the Government of National Unity, composed of representatives from both parties, was formed as planned and has been functioning, except between 11 October 2007 and 27 December 2007, when the Sudan People's Liberation Movement (SPLM) suspended its participation in the Government of National Unity because it had not implemented key aspects of the Comprehensive Peace Agreement. The Government of National Unity and Government of Southern Sudan legislative assemblies have also passed a number of laws, though delayed passage of critical laws undermined the timely and effective implementation of other provisions of the Agreement. The Comprehensive Peace Agreement Assessment and Evaluation Committee noted that the delay in these areas was creating a bottleneck in the progressive implementation of the Comprehensive Peace Agreement at national, southern and state levels. Despite the Mission's efforts, the central objective of the Agreement — making unity attractive — was not achieved, as evidenced by the result of the referendum.

UNMIS support of the Comprehensive Peace Agreement was hampered by late deployment of forces, vacancies in key positions and a focus on the Darfur crisis

36. Several challenges obstructed UNMIS full support to the implementation of the Comprehensive Peace Agreement. During the first years of the Mission's deployment, the Darfur crisis drew many of the Mission's resources away from supporting the Comprehensive Peace Agreement. Even after the establishment in 2008 of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), the crisis still needed support and management by UNMIS. When the deployment of UNAMID began, UNMIS provided equipment (valued at nearly $30 million) for the start-up of the Mission. In 2006, key UNMIS staff reported spending approximately 80 per cent of their time working on Darfur-related issues. For this evaluation, several senior-level UNMIS staff confirmed that the Mission had been preoccupied with Darfur.

37. Late deployment of authorized forces and long periods of vacancy in key positions have also hampered mandate implementation. Not until mid-2007, two years after the Mission's inception, was full deployment achieved. By 2007, over 300 (28.4 per cent) of the international staff posts remained unfilled. Between late 2006 and late 2007, the key position of Head of the Mission was vacant, depriving the Mission of political leadership. Vacancies contributed to a lack of strategic guidance and loss of institutional memory, which ultimately impacted the Mission's effectiveness. However, during 2010, vacancy rates dropped to about 6 per cent.

The Mission's activities in monitoring and verifying the Ceasefire Agreement of the Comprehensive Peace Agreement contributed to a de-escalation of military conflicts, despite restrictions imposed on its freedom of movement

38. The Mission uses four different mechanisms to monitor and verify the Ceasefire Agreement between the two parties of the Comprehensive Peace Agreement: (a) joint military teams; (b) area joint military committees; (c) the Ceasefire Joint Military Committee; and (d) the Ceasefire Political Commission.

39. Both parties to the Agreement restricted the movements of UNMIS, creating a hurdle to its monitoring and verification processes. Areas where access had been denied included the sector VI north of Abyei, the Nuba Mountains in Southern Kordofan, the boundary areas between Western Bahr el Ghazal and South Darfur,

and areas in Upper Nile State, Warrab State and Blue Nile State. The restrictions limited UNMIS in performing its mandated monitoring and verification tasks and negatively impacted the building of trust between the two parties.

40. Since UNMIS and the two parties were represented in the four mechanisms identified in paragraph 38 above, they provided both sides with the opportunity to discuss ceasefire-related issues on a continuous basis. Both parties generally viewed the Mission as helpful to the Comprehensive Peace Agreement in this regard. Thus, through these mechanisms, UNMIS contributed to a de-escalation of military conflicts.

41. The Comprehensive Peace Agreement dictates that the Sudan Armed Forces and SPLA redeploy to their respective sides of the border (North and South Sudan). The redeployment of forces has, by and large, occurred, though the timeline the Comprehensive Peace Agreement envisioned for redeployment was not met (e.g., though the Sudan Armed Forces were to redeploy their armed forces from Southern Sudan by 2007, this was not accomplished until 2009). As monitored and verified by UNMIS, SPLA redeployment has reached 34.8 per cent.

While the Mission has had some success in assisting the parties in promoting understanding of the peace process and the need for a nationally inclusive approach, mandated cooperation in this arena with the African Union is limited

42. UNMIS is mandated to conduct, in cooperation with the African Union, a public information campaign to assist the parties to the Comprehensive Peace Agreement in promoting understanding of the peace process and the role of UNMIS. UNMIS publishes a monthly magazine called *In Sudan* and broadcasts *Radio Miraya*, which reaches Southern Sudan. During the 2010 elections, UNMIS facilitated a series of information days to inform eligible voters and also led various symposiums and workshops to promote understanding of the peace process. However, this was not done in cooperation with the African Union, and the Mission could not provide OIOS with information showing that joint activities had occurred. Despite the many activities in support of the Comprehensive Peace Agreement conducted by the UNMIS Communications and Public Information Office, the Mission could not substantiate that it had implemented activities jointly with the African Union.

43. UNMIS is also mandated to assist in addressing the need for a nationally inclusive approach, including women, towards reconciliation and peacebuilding. In this respect, the Mission's Civil Affairs Division facilitated the establishment of mechanisms for conflict resolution and mitigation on the regional, state and local levels. Between 2008 and 2010, UNMIS facilitated a series of round tables of political parties that included state administration, civil society, traditional leaders, and youth and women's groups. The UNMIS staff survey showed that 58 per cent regarded the Mission activities in this area as positive.

Assistance by the Mission contributed to the holding of the 2010 elections in the Sudan

44. Although the Comprehensive Peace Agreement specified that elections should be scheduled by the end of the third year of the interim period, they were not held until April 2010. UNMIS provided extensive technical and logistical support to the electoral process. For example, UNMIS assisted the National Elections Commission

in drafting key documents (e.g., operational plans for voter registration and polling), developing materials for voter education, procuring and distributing polling materials; and establishing State-level electoral operations centres.

Though the Mission has helped to restructure Sudan's police service through training and performance monitoring, a lack of financial resources and equipment hampered further success in this area

45. UNMIS is mandated to assist in reconstructing the police service, and, in June 2007, the UNMIS training package project was launched, offering 1,511 different police-training courses in the North and the South. As of October 2010, UNMIS had trained approximately 40,000 Sudanese police officers (excluding elections and referendum trainees). Nevertheless, during the first two years of deployment, a lack of financial resources hampered further performance in this area. The main focus has been on the South and the restructuring of the Southern Sudan Police Service. UNMIS also supported the Southern Sudan Police Service in developing key documents such as the referendum strategic security plan and the referendum security training material. To fulfil their advisory and mentoring roles, UNMIS police are co-located with the Southern Sudan Police Service.

46. To better evaluate the progress of the Southern Sudan Police Service, UNMIS police have developed a democratic policing index to evaluate the performance of the Southern Sudan Police Service on core parameters, such as human rights, gender, community policing and basic training. Through the use of the index, a marked improvement can be noted in the performance of the Southern Sudan Police Service between 2007 and 2009. The work has however been hampered by the Service's lack of equipment.

47. During 2010, UNMIS police focused on training the Sudanese police in elections and referendum security. A total of 27,457 police officers both from the North and the South of Sudan were given security training ahead of the elections. Despite the large number of trainees, the Southern Sudan Police Service remained inadequately equipped and trained for undertaking the responsibility of securing the referendum. Therefore, the United Nations police have continued to provide training. As of October 2010, a further 14,000 Southern Sudan Police Service officers had been trained in referendum security.

The Mission has made progress in the area of security sector reform, though its rule of law activities have been mainly limited to monitoring

48. UNMIS is tasked to assist the parties of the Comprehensive Peace Agreement in promoting rule of law and developing and consolidating a national legal framework. Data reviewed show that until 2007, rule of law activities were limited to monitoring Comprehensive Peace Agreement instruments and legislation and providing workshops. Even though the Rule of Law, Judicial System and Prison Advisory Section has tried to be more active, its activities to date remain generally limited to monitoring. However, the Rule of Law, Judicial System and Prison Advisory Section has provided some analyses of legislation that were required to be implemented under the Comprehensive Peace Agreement.

49. The Mission has provided advice and training to the correction services. For example, UNMIS has taught courses on basic prison management and human rights principles and has helped develop a joint prison reform strategy and a jail manual.

In October 2010, the UNMIS corrections component and the South Sudan Prison Service were jointly awarded the International Corrections and Prison Association Management and Staff Training Award.

50. UNMIS has also contributed to security sector reform. In 2007, the Government of Southern Sudan requested support from UNMIS on security sector reform. The Justice and Security Sector Advisory and Coordination Cell, established in February 2010, has worked to coordinate and provide policy guidance to United Nations actors in the area of security and justice and assisted in coordinating different actors involved in security sector reform during the elections and the referendum. For the referendum, a Referendum High Security Committee was established, with the support from the Cell, which gathered all southern Sudanese actors within the Security Sector. The establishment of the Cell was an important step towards further coordination and integration with the country team, since UNDP takes part in the Cell.

Support by the Mission to Joint Integrated Units has not been satisfactory

51. The Comprehensive Peace Agreement established the Joint Integrated Units, consisting of both the Sudanese Armed Forces and SPLA members, to foster integration between the armed parties. However, they have not yet proven to be effective. UNMIS monitors and supports these entities, which from inception have been plagued by problems, including inadequate funding, insufficient training and a lack of basic infrastructure.

52. An UNMIS report states that the Mission itself has contributed to these problems. For example, rather than facilitating donor support as required, UNMIS has tried to directly support the Joint Integrated Units without having adequate capacity to do so. The Joint Integrated Unit support cell is staffed with only one military officer.

53. The vision in the Comprehensive Peace Agreement that the Joint Integrated Units would form the nucleus of a new Sudanese national armed force has not been achieved, since the Joint Integrated Units are neither joint nor integrated — they can best be described as co-located units of the Sudanese Armed Forces and SPLA. In Malakal, Sudanese Armed Forces and SPLA elements of the Joint Integrated Unit twice clashed, requiring UNMIS to mitigate the tensions between the two parties.

C. The Mission's performance in supporting the return of internally displaced persons and refugees has been positive, while its record of supporting humanitarian assistance is mixed

54. The mandate of UNMIS includes facilitating and coordinating the return of refugees and internally displaced persons. When the Comprehensive Peace Agreement was signed, estimates indicated that there were some 4 million internally displaced persons affected by the provisions of the Agreement and more than 500,000 refugees. To support returnees, UNMIS assisted in coordination between different actors, planning and monitoring of returnees, information sharing and advocacy.

55. By September 2010, approximately 2.2 million Sudanese internally displaced persons and refugees had returned without UNMIS assistance, while organized and

UNMIS-assisted returns amounted only to 347,910. Since the vast majority of returns were spontaneous returns, resources committed to organized and assisted returns seemed disproportionate, prompting UNMIS in November 2009 to merge two of its sections — the Return, Reintegration and Recovery Section and the Regional Coordinator Support Office/Humanitarian, Early Recovery and Reintegration Unit. The merge concentrated the Mission's work on the reintegration process rather than on returns.

56. The mandate of UNMIS also includes facilitating and coordinating humanitarian assistance by, inter alia, helping to establish the necessary security conditions. Non-governmental organizations viewed the security information provided regarding the Mission's area of responsibility as too scarce. Their main concern was the lack of sufficient information in case of a contingency and the lack of a contingency plan, especially with respect to the period of the recent referendums. During the course of the evaluation, a humanitarian contingency plan was being finalized by the Regional Coordinator Support Office and the Office for the Coordination of Humanitarian Affairs.

57. The United Nations country team had a mixed impression of the security information the Mission provided to it. The Security Management Team meetings were not considered a sufficient source of security information and analysis. A representative from the United Nations country team also expressed the view that requests for armed escorts should be approved more frequently. Thus, there remains room for the Mission to improve its facilitation and coordination of humanitarian assistance.

D. The assistance of the Mission in the mine action sector has facilitated the delivery of humanitarian assistance, but millions of square meters of land remain contaminated

58. The mandate of UNMIS includes provision of humanitarian demining assistance, which represents the first time the Security Council has mandated a peacekeeping mission to provide such assistance. This assistance is mainly provided by the United Nations Mine Action Office, which is staffed with UNMIS personnel. The Office coordinates, facilitates and oversees all mine action activities in the Sudan and cooperates with the national authorities, the United Nations, and national and international agencies. As of September 2010, United Nations Mine Action Office reported that the United Nations had:

(a) Cleared 64,781,479 square meters of land;

(b) Destroyed 22,906 anti-personnel mines, 4,778 anti-tank mines and 890,642 unexploded ordnance items;

(c) Cleared 43,880 kilometres of road;

(d) Provided 3.3 million affected people with mine-risk education.

59. Yet, as of August 2010, based on initial estimates from the landmine impact survey, over 70 million square meters of land were still contaminated with mines and/or explosive remnants of war, impacting an estimated 1.6 million people countrywide. This reflects over 7,000 registered hazards, approximately 1,200 of which still remain uncleared. United Nations Mine Action Office has stated that at

least 1,443 people have been killed and 2,916 people injured in mine/explosive remnants of war accidents.

60. Advancements in mine action have: facilitated the deployment of UNMIS; facilitated the delivery of humanitarian assistance from the United Nations country team; contributed to the protection of civilians; facilitated the safe return of internally displaced persons; and allowed for the 2010 elections and January 2011 referendum to be held with no reports of incidents involving mines.

E. The Mission's reporting on human rights abuses could be improved

61. UNMIS is tasked with ensuring an adequate human rights presence and contributing towards international efforts to protect and promote human rights. To undertake this task, the approved staff strength of the Human Rights Section was 112, of which 25 per cent constitute support staff. Other sections involved in human rights activities are the Rule of Law, Judicial System and Prison Advisory Section (45 posts) and the former Protection of Civilians Section, including Child Protection (51 staff).

62. The Human Rights Section has focused on monitoring activities (i.e., reporting on human rights abuses). The Section publishes a *Human Rights Bulletin* that is shared with the Government of Sudan, the Government of Southern Sudan, United Nations partners and members of the diplomatic and international community. Monthly, UNMIS also produces a more lengthy internal report. In addition, the Section has engaged in activities including capacity-building, technical and advisory services, and coordination. The Southern Sudan Police Service and the correction services have received human rights training, and legislators, prosecutors and civil society received training.

63. However, there are limitations to the human rights function of the Mission. First, the information provided in the *Bulletin* is often incomplete and has omitted grave incidents. OIOS was also informed by UNMIS staff that UNMIS senior leadership limits the Human Rights Section from publicly reporting severe incidents of human rights abuses. For example, on 19 August 2010, UNMIS received reports that 24 women and 30 girls had been raped and 9 boys killed in Abrouc and Oriny villages, yet the *Bulletin* did not publish this information.[1] Nor were incidents of five people killed during the elections reported in code cables to New York.

64. Furthermore, the *Bulletin* did not include information on a petition delivered to UNMIS by approximately 2,000 people demanding the withdrawal of forces from Abyei and requesting that the mandate of UNMIS be changed to Chapter VII authority.[2] The petition assumed that UNMIS did not have Chapter VII authority, an erroneous assumption that is nonetheless understandable as UNMIS does not broadly publicize the Chapter VII authority it has been given.

65. Incomplete reporting of human rights violations potentially impacts the work against such abuses. Further, the exclusion of incidents from the *Bulletin* can impact

[1] UNMIS *Human Rights Bulletin*, 22 September 2010; UNMIS Human Rights Section monthly internal report, August 2010.

[2] UNMIS *Human Rights Bulletin*, 28 October 2010; UNMIS Human Rights Section monthly internal report, September 2010.

the Mission's reputation with respect to human rights, and ultimately the reputation of the Mission itself.

66. *UNMIS commented that the Human Rights Bulletin is not intended to report on all incidents of human rights abuses.* However, OIOS is of the opinion that the coverage of the *Bulletin* should be as comprehensive as possible. Furthermore, while the distribution of the *Bulletin* may be limited, it does seep into the public domain. The Mission should be aware that any *Bulletin* may become a public document, regardless of the Mission's intent.

F. The Mission has paid attention to gender mainstreaming

67. In interviews, UNMIS personnel expressed the view that progress had been made in mainstreaming gender into the Mission's agenda and tasks. Various documents (e.g., workplans and workshop reports) reviewed by OIOS supported this view. For example, the Rule of Law, Judicial System and Prison Advisory Section reviewed national and international legislation related to women's political participation to ensure that the national legal framework was effective in empowering women. Each section of UNMIS has an appointed gender focal point, and the Office of Special Adviser on Gender Issues plays an active role in raising the awareness of Mission staff about the importance of gender mainstreaming. Staff members of the Gender Advisory Unit also worked with specific sections of the Mission to ensure that both the Mission's internal training and the training that the Mission provides for parties to the Comprehensive Peace Agreement address gender issues. Furthermore, in March 2008, the Mission prepared gender equality policy guidelines and a gender strategy.

68. Examples of work towards implementing Security Council resolutions 1325 (2000), 1820 (2008) and 1888 (2009) included:

(a) Gender-focused analysis of new laws and regulations;

(b) Establishment of the Vulnerable Persons Protection Units in all Sudanese police stations;

(c) Pre-election establishment of mobile voter registration centres to facilitate registration of women;

(d) Development of checklists on the integration of gender perspectives in the demobilization process. As at 1 September 2010, 6,258 women had been demobilized (see S/2010/528, para. 39).

69. In addition, a majority of respondents to the UNMIS staff survey rated the Mission's gender mainstreaming activities positively in the following areas:

(a) Attention to the special needs of women and child combatants in the area of disarmament, demobilization and reintegration (57 per cent);

(b) Operations of the Mission (60 per cent);

(c) Planning process of the Mission (69 per cent);

(d) Management decisions of the Mission (70 per cent).

G. The Mission faced increased tensions before the referendums but initiated measures to better protect United Nations personnel and facilities

70. An important element of the Mission's mandate includes protecting United Nations personnel, facilities, installations and equipment, and ensuring the security and freedom of movement of its personnel. In 2006, the United Nations country team and non-governmental organizations complained that UNMIS did not provide enough protection. During violent outbreaks in 2008 and 2009, United Nations civilian personnel and NGO staff were evacuated to safety. The Mission had been concerned with increased tension before the referendums and implications for the security of United Nations personnel. It developed an updated security risk assessment to address these concerns. UNMIS informed OIOS that no lives of United Nations personnel had been lost during the large number of trips undertaken within the Mission. However, arbitrary arrests of United Nations personnel have occurred. Between 1 January and 15 June 2010, 40 United Nations personnel were arrested or detained.

H. Challenges relating to the protection of civilians have affected the credibility and legitimacy of the Mission; however, the Mission has taken steps towards improving how it implements this aspect of its mandate

71. Security Council resolution 1590 (2005) mandated UNMIS with Chapter VII authority regarding protection of civilians under imminent threat of physical violence, within its capabilities and without prejudice to the responsibilities of the Government. The Security Council further stressed protection of civilians in paragraph 14 of its resolution 1870 (2009), in which it requested that UNMIS make full use of its mandate and capabilities to provide security to the civilian population.

72. In a 2006 evaluation, the Department of Peacekeeping Operations anticipated that if hostilities escalated, UNMIS would have a limited ability to contain violence, primarily due to the lack of infrastructure in the Sudan, the size of the area of operations and the number of armed groups. Further, a unified understanding of what protection of civilians entailed within or outside the Mission never existed. In 2009, an NGO recommended that UNMIS undertake a more proactive civilian protection role by better defining the circumstances under which it will provide protection — particularly with regard to inter-tribal violence in high-risk areas — and making corresponding adjustments to deployment, resources and operational orders. Unfortunately, during 2008 and 2009, several violent incidents affecting the civilian population occurred. In May 2008, Sudanese Armed Forces and SPLA forces clashed in Abyei, resulting in the displacement of 50,000 people, the evacuation of aid workers and the destruction of the town of Abyei. The presence of UNMIS in Abyei did not prevent this incident. In addition, in May 2008 and February 2009, outbreaks of violence between the Sudanese Armed Forces and SPLA elements in Malakal resulted in the deaths of 57 people.

73. In interviews with major stakeholders, NGOs, and UNMIS staff, several people expressed that UNMIS could and should have done more to protect civilians during those incidents. One NGO noted that both in the run-up to and during the

fighting, UNMIS in Abyei lacked the ability to carry out two key aspects of its mandate: monitoring implementation of the Comprehensive Peace Agreement and protecting civilians. Since a peacekeeping mission is expected to provide security for the civilian population within its capabilities, not providing security threatens the credibility and legitimacy of the Mission. A former UNMIS Force Commander acknowledged in May 2010 that the international community expected the military component of the Mission to do more on protection of civilians.

74. The Mission and Headquarters responded to the Abyei incident by reconfiguring forces in potential flashpoint areas, following the recommendations of an August 2008 military capability study conducted by the Departments of Peacekeeping Operations and Field Support. The reconfiguration was completed in March 2010. At the time of the present evaluation, the Office of Military Affairs of the Department of Peacekeeping Operations was reviewing the rules of engagement with the aim of clarifying them.

75. Furthermore, in August 2009, UNMIS developed a protection of civilians security concept which covered the physical protection of civilians and elaborated on the roles and responsibilities of different parts of the Mission. As the Security Council required (see resolution 1870 (2009), para. 15), a comprehensive strategy on the protection of civilians has been finalized. However, as of the time of the present evaluation, the roles and responsibilities of the Mission in two new areas of prevention and protective environment still needed clarification.

76. It is generally understood in peacekeeping that protection of civilians is not only a military task, and therefore a Protection of Civilians Section was established within the Mission. The Section's main role was to coordinate the humanitarian protection response; monitor and report protection violations; advocate; and facilitate the protection role of other actors. However, in August 2010, the Protection of Civilians Section was disbanded and the staff entirely deployed to the field. The Head of the Mission explained that protection of civilians was the responsibility of the entire Mission and not just that of a single unit located in Khartoum. Whether this new configuration results in better protection of civilians remains to be seen.

V. Conclusions

77. Although the original objective of the Comprehensive Peace Agreement — to make unity attractive — has not been met, UNMIS support to the implementation of the Agreement has contributed to the holding of the ceasefire, notwithstanding some breaches that occurred. While UNMIS has contributed to the implementation of the Comprehensive Peace Agreement, support to the Comprehensive Peace Agreement process has been hampered. The Mission's focus on Darfur during its first years of deployment meant that the Comprehensive Peace Agreement did not receive the required attention. For the future, it is important to give a mission an opportunity to focus mainly on implementing the core of its mandate. Not doing so will negatively impact the effectiveness and efficiency of the peacekeeping mission.

78. The Mission lacked strategic planning. Not having a strategic planning cell from the inception of the Mission contributed to this shortcoming. The strategic planning of UNMIS has also been affected by the fact that, once in place, it became occupied with operational planning. This also had an impact on the effectiveness

and efficiency of the Mission, since there was nothing to ensure that all parts of the Mission worked in the same direction. Even though it is not a strategic plan, the integrated action plan shows the positive impact a plan can have in getting a mission to work towards a common goal.

79. Integration between the Mission and the United Nations country team has been weak, especially in the areas of disarmament, demobilization and reintegration and the elections. If the United Nations had practiced a "One United Nations" approach, it would likely have been more effective and efficient. Integrated missions are an important part of peacekeeping, and it is expected that a peacekeeping mission and the United Nations country team will work in a coherent and integrated manner. Not doing so has the potential of threatening the image and reputation of the United Nations.

80. The challenges faced by the Mission with respect to the protection of civilians were tragic and negatively affected the credibility and legitimacy of the Mission. The credibility and legitimacy of the United Nations are paramount and an essential part of its raison d'être. All levels of staff must be clear about their mandated authority to protect civilians.

VI. Recommendations

81. Based on the evaluation results, OIOS makes nine recommendations, as set out below.

Recommendation 1

82. The Department of Peacekeeping Operations should ensure that the proper prerequisites for cooperation with the United Nations country team are in place. The Department of Peacekeeping Operations should further accept that the United Nations country team takes the lead in cooperation, when appropriate.

83. *UNMIS commented that several measures have already been taken to improve cooperation.*

Recommendation 2

84. UNMIS, with assistance from the senior management of the Department of Peacekeeping Operations, should work more closely with UNDP in disarmament, demobilization and reintegration, with the aim of better sharing of responsibilities and leadership of the programme.

Recommendation 3

85. UNMIS should consider enhancing its activities to finalize the contingency plan for the upcoming Abyei referendum.

Recommendation 4

86. The Department of Field Support should, in the future, consider taking greater advantage of the logistics bases at Entebbe, Uganda, and Brindisi, Italy, to service the start-up phase of a new mission. This would allow an existing mission to concentrate on its specific mandate.

Recommendation 5

87. **UNMIS should, in accordance with its mandate, consider more cooperation with the African Union in the area of public information campaigns.**

Recommendation 6

88. **The Department of Peacekeeping Operations should, in the future, require that the strategic plans of peacekeeping missions include an exit strategy.**

89. *UNMIS commented that a considerable planning process post-UNMIS is now well under way.*

Recommendation 7

90. **UNMIS should change the focus of the Security Management Team meetings to ensure they meet the need of the United Nations country team and NGOs for information and analysis on the security situation.**

91. *UNMIS commented that the recruitment of an analyst at the P-3 level for the Security Information Unit has improved the quality of the information provided at the meetings.*

Recommendation 8

92. **UNMIS should report more comprehensively on human rights violations.**

Recommendation 9

93. **UNMIS should, in the post-referendum phase, implement its comprehensive strategy on the protection of civilians and adjust it accordingly.**

(*Signed*) Carman L. **Lapointe**
Under-Secretary-General for Internal Oversight Services

Annex*

Memorandum dated 18 February 2011 from the Assistant Secretary-General for Field Support addressed to the Acting Director of the Inspection and Evaluation Division of the Office of Internal Oversight Services

Comments of the Department of Peacekeeping Operations, the Department of Field Support and the United Nations Mission in the Sudan on the draft OIOS report on the programme evaluation of the performance and the achievement of results by the United Nations Mission in the Sudan

1. I refer to your memorandum dated 8 February 2011, regarding the above-mentioned evaluation. Please find below the comments of the Department of Peacekeeping Operations, the Department of Field Support and the United Nations Mission in the Sudan on the findings and recommendations contained in the report.

Evaluation results

Summary (fourth paragraph)

2. It should be noted that vacancies in core mission leadership functions have a detrimental impact on the effectiveness of a mission. Following the untimely departure of the Special Representative of the Secretary-General in late 2006, there was a gap of almost a year before a replacement was appointed in October 2007. During this period, the Deputy Special Representative of the Secretary-General served as Officer-in-Charge of the Mission, in addition to fulfilling his functions as Deputy Special Representative. UNMIS suffered additional setbacks in the filling of other core leadership functions: following the departure of the Deputy Special Representative in April 2008, it took more than 18 months to appoint his replacement at the start of 2010. Furthermore, there was a lesser, but not insignificant gap of three months before the appointment of a successor to the Deputy Special Representative/Resident Coordinator and Humanitarian Coordinator in June 2007. The consequences of these leadership gaps are hard to quantify but are broadly summarized in the OIOS report.

3. As stated above, the departure of the Special Representative of the Secretary-General in late 2006 was unexpected. Finding a replacement for this post on a short notice was a tremendous challenge because the task involved identifying highly qualified candidates who are willing to serve in a difficult and sometimes dangerous

* In the present annex, OIOS presents the full text of comments of the Department of Peacekeeping Operations, the Department of Field Support and UNMIS on the programme evaluation of the performance and the achievement of results by the United Nations Mission in the Sudan. This practice has been instituted pursuant to General Assembly resolution 64/263, following the recommendation of the Independent Audit Advisory Committee. Overall, the Department of Peacekeeping Operations, the Department of Field Support and UNMIS concurred with the recommendations of OIOS. Their comments on the draft have been incorporated, as appropriate, in the final report. As a result, some of the paragraph numbers in the report have changed. For ease of reference, the paragraph numbers in the final report are provided in italics.

environment and are acceptable to the parties to the conflict. As situations evolve, so too does the profile and requirements for the post to be filled, further complicating the search for a new Special Representative. Similar difficulties beset the filling of the post of the Deputy Special Representative following his departure in April 2008.

4. Mindful that such complications remain real factors in the identification and appointment of senior leadership across missions, succession planning mechanisms for senior field appointments have been strengthened over the past four years. Leadership requirements are reviewed regularly in order to plan and manage the selection process in a timely manner. In 2010, a senior level mechanism was established at Headquarters to ensure that leadership teams in the field function effectively. The mechanism provides a unique forum for the heads of the Departments of Peacekeeping Operations, Political Affairs, and Field Support, the Office for the Coordination of Humanitarian Affairs and UNDP to come together to focus on key issues affecting leadership. Over the past 18 months, efforts have also been made to better assist in bridging leadership gaps in field missions. Seasoned managers from across the United Nations system have been deployed more systematically at short notice, for short periods of time, to bridge these gaps in missions. We consider that the deployment of additional support to the Deputy Special Representative may have offset some of the consequences of the leadership void during much of 2007.

The Mission's success has been hampered by a lack of cooperation and coordination between the Mission and the United Nations country team (paragraphs 13 to 32) (*now paragraphs 13 to 33*)

5. The draft report repeatedly highlights interpersonal tensions between the Mission and the United Nations country team, but does not explore the structural reasons for those tensions, or why one model of integration (the United Nations Integrated Referendum and Electoral Division), worked so much better than another (the Integrated United Nations Disarmament, Demobilization and Reintegration Unit). For example, inability to blend the assessed and voluntary contributions; limitations on the Mission's ability to share assets with the United Nations agency partners; and differences in the accountability of the Mission and the agencies, where one partner has the mandated accountability and the other has the funding. We are of the view that OIOS should have considered the structural issues that routinely cause tensions in integrated units more closely and made recommendations that might be useful for future missions.

Paragraph 18 (*now paragraph 19*)

6. UNMIS clarifies that a post-referendum phase was intentionally omitted from the integrated mandate implementation plan for the period 2008-2012 to allow further discussions with the concerned parties. Furthermore, its inclusion would have prejudiced these talks and restricted the ability of the Special Representative of the Secretary-General to discuss options with partners. Based on the above explanation, we suggest the reference to a post-referendum phase as a shortcoming of the integrated mandate implementation plan be deleted from the report.

Paragraph 19 (*now paragraph 20*)

7. UNMIS disagrees with the finding that the Mission had concluded that "rather than presenting the National Elections Commission with plans and instruments, UNMIS should have taken a more collaborative approach that emphasized capacity building". The electoral period was very short. The key objective was to assist the National Elections Commission in completing the process in a credible way. A capacity-building approach would have sacrificed that key objective for the sake of longer-term efforts to do comprehensive training.

Paragraph 21 (*now paragraph 22*)

8. The word "indifference" in the last sentence of paragraph 21 should be changed to read "differences".

Paragraph 25 (b) (*now paragraph 26 (b)*)

9. In order to more accurately state the facts, we suggest that paragraph 25 (b) should be reworded to read: "supporting the organization of productive popular consultations in Southern Kordofan and Blue Nile States". It should be noted that UNMIS is not tasked to organize the popular consultations, which are to be arranged by the Government.

Paragraph 26 (*now paragraph 27*)

10. UNMIS disagrees with the statement that it "de-emphasized other elements of its mandate" to focus on the referendum. The support to the referendum received understandably high attention in the media and was the top priority of senior management. However, this work was well handled by the United Nations Integrated Referendum and Electoral Division and the Mission Support Division without drawing away the attention and actions of the Mission from other areas of its mandate.

The disarmament, demobilization and reintegration programme was delayed and the Integrated United Nations Disarmament, Demobilization and Reintegration Unit has not worked in an integrated manner with other United Nations entities in the country (paragraphs 29 to 32) *(now paragraphs 30-33)*

11. Concerning the findings on disarmament, demobilization and reintegration, we consider that the observations made in these paragraphs would benefit from a deeper understanding of disarmament, demobilization and reintegration and of the context in which the programme has been planned and implemented. We suggest the report be amended accordingly.

Paragraph 29 *(now paragraph 30)*

12. With regard to the delay of the programme, while the findings may be true that unfulfilled promises strained relations with local authorities and that the lack of planning capacity in the Integrated United Nations Disarmament, Demobilization and Reintegration Unit contributed to the delay, the report fails to acknowledge the main reason for the delay, namely the initial lack of political will among the parties

to the Comprehensive Peace Agreement. It is important to understand that disarmament, demobilization and reintegration is a nationally owned process, and, as such, its success ultimately depends on the will of national actors. The United Nations cannot impose disarmament, demobilization and reintegration; it can only facilitate and support a nationally owned process. This is particularly true in the case of the Sudan, where the Comprehensive Peace Agreement clearly states that the National Disarmament, Demobilization and Reintegration Coordination Council and the Northern and Southern Sudan Disarmament, Demobilization and Reintegration Commissions are to lead and implement the disarmament, demobilization and reintegration programme. On the part of the United Nations, acknowledgement was made that the initial disarmament, demobilization and reintegration leadership did not have the right skills sets. Therefore, both the Department of Peacekeeping Operations and UNDP replaced their respective programme managers in 2007, after using a "tiger team" for three months to effect corrective measures. In fact, it is the new management team that helped the national actors draft the national disarmament, demobilization and reintegration strategic plan, which is mentioned in paragraph 29. The delay in actually starting the programme was caused by extended negotiations between both Northern and Southern Sudan Disarmament, Demobilization and Reintegration Commissions regarding the exact amount of benefits to be provided to the beneficiaries of the programme, as well as modalities for programme execution (national vs. direct execution). Therefore, it is also misleading to blame UNMIS solely for the delay in launching the programme.

Paragraph 30 ***(now paragraph 31)***

13. Regarding the statement that the UNMIS disarmament, demobilization and reintegration support plan had "overambitious and unrealistic goals", we would like to emphasize that the support plan was based on the national disarmament, demobilization and reintegration programme document, as agreed to by the disarmament, demobilization and reintegration Commissions. As mentioned in the OIOS report, the verification process had to be clarified, as non-eligible candidates were entering the programme. In response to this situation, UNMIS drafted standard operating procedures with clear criteria, which were subsequently agreed on by the disarmament, demobilization and reintegration Commissions and signed in March 2010.

14. At no point does the report indicate that the major impediment to the disarmament, demobilization and reintegration process was the failure of the parties to provide timely, adequate lists of the participants in the programme. The disarmament, demobilization and reintegration programme was delayed primarily because of the parties and not because UNMIS did not spend enough time communicating with UNDP.

15. After the resumption of the disarmament, demobilization and reintegration programme, the pace of demobilization picked up, focusing on the agreed target groups that are identified as "other armed groups". Other armed groups include vulnerable groups such as women, the elderly, the disabled and children.

Paragraph 31 ***(now paragraph 32)***

16. The growing gap between demobilization/reinsertion and reintegration has been a major concern of UNMIS. In fact, this issue has been flagged by UNMIS

from the early stages of disarmament, demobilization and reintegration implementation, as mentioned in the OIOS report. OIOS is aware, however, that peacekeeping operations do not control the reintegration programming. We would appreciate recommendations from OIOS on how to address this problem.

Paragraph 32 ***(now paragraph 33)***

17. We agree that the lack of cooperation between UNMIS and UNDP in the Integrated United Nations Disarmament, Demobilization and Reintegration Unit has had a negative impact on programme implementation. As OIOS points out, and in accordance with the memorandum of understanding, the Chief of the Integrated Disarmament, Demobilization and Reintegration Unit, an UNMIS staff member, has the "overall responsibility for management and delivery of the disarmament, demobilization and reintegration programme", while his deputy, a UNDP staff member, "has the responsibility for actively assisting the Chief", which was never actually implemented. However, we find that further explanation other than UNDP preferring a "more collegial management style" is necessary. In fact, UNMIS was clearly against the creation of parallel structures, and it is difficult to understand how OIOS reached the conclusion that UNMIS has not done enough to try to resolve this issue. UNMIS insisted on following the signed memorandum of understanding between the Mission and UNDP in terms of programme design/responsibilities, as well as staffing arrangements, while UNDP developed a structure parallel to both the Integrated United Nations Disarmament, Demobilization and Reintegration Unit and the country office. This was in contradiction to the project document signed between the United Nations and the Government of National Unity and endorsed by the donors. Furthermore, UNMIS insisted that corrective measures be taken by UNDP at all levels. We would like to suggest a deeper analysis of the problems inherent in the situation, especially with regard to the role of the Chief. In this regard, a more specific formulation of recommendation 2 to address the gap in the oversight over the programme would be helpful.

18. We would like to reassure OIOS that both UNMIS and UNDP have taken steps to improve the disarmament, demobilization and reintegration programme in the Sudan. An independent programme review was commissioned, and its final report was published on 30 December 2010, providing recommendations for the future conduct of disarmament, demobilization and reintegration in both Northern and Southern Sudan in the post-Comprehensive Peace Agreement period. A high-level meeting, planned for 7 March 2011, with UNMIS, UNDP, the national Commissions and donors, will discuss the next steps for the interim period until the expiration of the Comprehensive Peace Agreement in July 2011. In addition, UNDP is conducting an internal audit of the reintegration part of the disarmament, demobilization and reintegration programme and the DSRSG initiated an updated memorandum of understanding on the Integrated United Nations Disarmament, Demobilization and Reintegration Unit to reactivate the integration between UNDP and UNMIS on the disarmament, demobilization and reintegration programme.

Paragraph 34 ***(now paragraph 35)***

19. The finding that the central objective of the Comprehensive Peace Agreement in reality was to make unity attractive, and the implication that the Mission failed to do so as evidenced by the referendum results, is simplistic. It has been clear for

years that the majority of southerners preferred independence, based on a history of war and exploitation. The Government of Sudan made small efforts to promote unity by maximizing the cross-border infrastructure and development actions in the South.

Paragraph 35 ***(now paragraph 36)***

20. It is not clear how OIOS came to the conclusion that because UNMIS focused on Darfur, the Mission "could not efficiently fulfil this aspect of its mandate". At no point does the report indicate what part of the mandate could not be fulfilled.

Paragraph 36 ***(now paragraph 37)***

21. Please refer to our comments on paragraph 2 above.

Paragraph 41 ***(now paragraph 42)***

22. UNMIS is working closely with the African Union High-level Implementation Panel on the Sudan to support facilitation of negotiations between the two parties on post-referendum agreements. This has included providing information and analysis on relevant issues and supporting a range of trips by the Panel to the field. In addition, it is important to note that UNMIS involves other international organizations in its activities. For example, the African Union participated actively in the symposium organized by the Mission in November 2009.

Paragraph 42 ***(now paragraph 43)***

23. We suggest that the forth sentence of paragraph 42 should be reworded to read: "Between 2008 and 2010, UNMIS facilitated a series of round tables of political parties that included ..."

Paragraph 44 ***(now paragraph 45)***

24. We suggest that the last sentence of paragraph 44 should be reworded to read: "To fulfil their advisory and mentoring roles, UNMIS police are co-located with the Southern Sudan Police Service", as the provision of advice and mentoring are the main purposes for the co-location strategy.

Paragraph 51 ***(now paragraph 52)***

25. OIOS concluded in paragraph 51 that UNMIS has contributed to the problems of the Joint Integrated Units by failing to facilitate donor support, drawing a very strong conclusion from essentially no facts or analysis. UNMIS disagrees with this conclusion and suggests its deletion from the report, unless the report could elaborate on a link between the Mission's mandate and the difficulties experienced by the Joint Integrated Units.

Paragraphs 55 and 56 ***(now paragraphs 56 and 57)***

26. On security issues, we note that the report does not indicate if these observations were made concerning the South or the North. In addition, the report fails to indicate whether the lack of information-sharing was applicable to Darfur, as the said NGOs operating in the Sudan also serve in Darfur, and often confuse the two Department of Safety and Security entities' mandates. Moreover, the Security Management Team members of UNMIS are largely the same as the Security

Management Team members of UNAMID causing further misinterpretations. We suggest that the report should further clarify the observations in paragraphs 55 and 56.

27. Furthermore, the recruitment of an analyst at the P-3 level for the Security Information Unit has improved the quality of the information provided at the Security Management Team and NGO briefings. The Department of Safety and Security provides weekly briefings to the non-governmental organizations and shares weekly and monthly reports. The Department also invited the NGO steering group on fact-finding field trips together with the diplomatic security focal points.

28. Armed escort procedures are defined in standard operating procedures issued by the Mission. The fact that no lives of the United Nations staff have been lost during the large number of trips undertaken is, to an extent, proof of the successful security practices.

Paragraph 60 ***(now paragraph 61)***

29. The finding that "UNMIS has a Human Rights Section consisting of 110 posts deployed in its areas of responsibility" is inaccurate. This information was neither provided by the UNMIS Human Rights Section, nor by its Human Resources Section. The Section has never had 110 posts deployed. The approved staff strength of the Section was 112, of which 25 per cent constitute support staff. Due to delays in recruitment, the number of staff on board at the time of the visit of the OIOS team was 64, of which 22 were administrative staff. We suggest that paragraph 60 be revised accordingly.

Paragraph 61 ***(now paragraph 62)***

30. The finding that "the activities of the Human Rights Section have mainly been limited to monitoring activities" is inaccurate. In addition to monitoring, the Section is engaged in a number of activities, including capacity-building, technical and advisory services, and coordination. The Section has 14 field offices, all of which are engaged in capacity-building programmes at the national, regional and State levels, targeting Government institutions, civil society organizations, including women's groups, and the Southern Sudan Human Rights Commission. In addition to the police and correction services, the Section has provided training to legislators, prosecutors, SPLA and other uniformed forces. UNMIS conducted training and sensitization programmes on political rights and freedoms during the elections and routinely collaborates with the United Nations country team in furtherance of human rights, including participating in the protection cluster.

31. As at the time of the visit of the OIOS team, the Human Rights Section had trained over 100 Government officials and nearly 450 civil society actors from 200 organizations in the North and in the South in preparation for the report on the Sudan under the universal periodic review. To support these training programmes, the Office of the High Commissioner for Human Rights allocates an annual grant to UNMIS, which has averaged about $350,000 over the past four years.

32. In addition to capacity-building, the Human Rights Section also provides advisory and technical services to the Government. This includes support to the law reform, assisting the establishment of the Human Rights Commission in the North,

strengthening the Human Rights Commission in the South, and providing advice on the ratification of international instruments.

33. The Human Rights Section has also been involved in coordinating and providing leadership in the area of human rights. Two human rights forums have been established, one in the North and one in the South, bringing the Government, the United Nations, international partners and civil society actors together to work in furtherance of human rights. A United Nations Civil Society Forum has also been established in the North.

34. We trust that the report will be revised to acknowledge the achievement of the Human Rights Section in the areas of training and capacity-building, as well as technical, advisory services and coordination.

Paragraph 62 ***(now paragraph 63)***

35. The finding that "the information provided in the Bulletin is often incomplete" is inaccurate. UNMIS clarifies that the *Human Rights Bulletin* is not intended to report on all incidents of human rights abuses. The *Bulletin* identifies cases that are emblematic of a wider picture and no case is reported in the *Bulletin* unless it has been thoroughly investigated and the facts established. Furthermore, the *Bulletin* is not intended to publish each and every incident that occurs in the Sudan, and it is not a public report. Its distribution is limited. The UNMIS Human Rights Reporting and Analysis Team propose the cases for inclusion in the *Bulletin* based on monitoring reports from the 14 field offices across the Sudan. The Section Chief approves the contents of the *Bulletin* in close consultation with the Regional Coordinators for the South and the North. The senior management of UNMIS does not dictate what goes in the *Bulletin*, and it has not at any time imposed a limitation on the content of the *Bulletin*. Based on the above explanation, we suggest that paragraph 62 and the recommendation in paragraph 88 be deleted from the report.

Paragraph 63 ***(now paragraph 64)***

36. The "information on a petition delivered to UNMIS by approximately 2,000 people demanding the withdrawal of forces from Abyei and requesting that the mandate of UNMIS be changed to Chapter VII authority" is a matter within the domain of the UNMIS Force Commander, the political wing of the Mission, and the Mission leadership. It does not relate to human rights as a thematic area of focus. The *Bulletin* is not an UNMIS publication intended to catalogue each and every incident occurring in the Mission area. Its focus is limited to violations of human rights or significant human rights developments, and the *Bulletin* has served this purpose since its inception. We suggest that paragraph 63 should be deleted from the report.

Paragraph 64 ***(now paragraph 65)***

37. The allegation of an incident in which five people were killed in Aweil during the elections is inaccurate. During the elections, the UNMIS Human Rights Section did not confirm any allegations of an incident in Aweil East, Northern Bahr el Ghazel, in which five people were killed. The Human Rights Section, however, received reports of two deaths during the elections in Northern Bahr el Ghazel, as well as other states, which totalled five. Other deaths reported included one in

Eastern Equatoria State, and two in Western Equatoria State, all in Southern Sudan. The reference to the incident in paragraph 64 should be deleted from the report.

38. As to the code cable referred to in paragraph 64, the OIOS team appears to have misunderstood its purpose and status. Code cables are the prerogative of the office of the Special Representative of the Secretary-General, and he is the final arbiter on their content. However, code cables are mere channels of communication between the Mission and United Nations Headquarters, and do not constitute public reports. Furthermore, the *Bulletin* itself is not a public report within the meaning of the United Nations Secretary-General Policy Committee decisions on public reports in integrated missions. Hence, there is no basis for the conclusion that omitting human rights incidents from code cables or bulletins can impact the Mission's reputation with respect to human rights.

39. The UNMIS Human Rights Section has put in place a strategy that compels human rights officers in the field to share monitoring findings with the relevant Government officials with a view to working together to address them prior to any public report. It must be borne in mind that UNMIS is not an NGO, such as Amnesty International or Human Rights Watch, that routinely produces public reports on the human rights situation in countries without any mechanism in place to address them. The overriding purpose of monitoring is not to issue a public report, but rather to engage the Government with the findings so that together with the Mission, the underlying causes can be identified and actions taken, by way of policy change, law reform or capacity-building, to address them and prevent a recurrence. Hence UNMIS has linked monitoring to engagement and capacity-building to address human rights challenges. It is at the end of this process that public reports are issued. The fact that an incident is not reported in a code cable or in the *Bulletin* does not mean that the Mission is not engaged with the Government on these issues. We suggest that the conclusion of the OIOS team in this regard be deleted from the report.

Paragraph 68 ***(now paragraph 70)***

40. Please refer to our comments in paragraphs 27 and 28 above.

Paragraphs 70 to 75 ***(now paragraphs 71-76)***

41. UNMIS would like to refer to the report of the Secretary-General on the Sudan dated 20 October 2008 (S/2008/662) and that of the fact-finding mission to UNMIS that took place between 9 and 12 August 2008. These reports clearly state that:

- The Mission was unfairly criticized for its response;
- There was little it could have done to stop the fighting once it started;
- UNMIS did a good job in allowing a large group of civilians to seek refuge inside the compound and escorting them to safety once the situation had calmed down;
- Most of the Abyei civilian population had already left the town when the fighting reached its peak.

42. The fact-finding team found room for improvement and recommended that the Mission should review its overall deployment. UNMIS had incorporated these recommendations into planning and further reflected them in recommendations of

the military capability study referred to in the report of the Secretary-General mentioned above. UNMIS has developed an effective and integrated threat assessment and integrated conflict management strategy. In addition, the Mission strengthened its command and control structures, not only in Sector IV, but other possible flashpoints.

Paragraph 72 ***(now paragraph 73)***

43. The third sentence of paragraph 72 should be reworded to read: "Since a peacekeeping mission is expected to provide security for the civilian population within its capacity ..."

Paragraph 74 ***(now paragraph 75)***

44. We wish to confirm that the comprehensive strategy for the protection of civilians has been finalized and is being implemented. We suggest that paragraph 74 be amended accordingly.

Recommendations

Paragraph 81 ***(now paragraph 82)***

45. We suggest that the "Department of Peacekeeping Cooperation" in the first and second sentences of the recommendation should be changed to read the "Department of Peacekeeping Operations". The recommendation fails to acknowledge that the most important prerequisites for cooperation with the United Nations country team are already in place, not least that the United Nations Resident Coordinator and Humanitarian Coordinator in the Sudan is also the Deputy Special Representative of the Secretary-General.

46. While planning and preparing for the expected follow-on mission to UNMIS in Southern Sudan, additional steps, already undertaken by the Mission at the time of the programme evaluation, include a major collaborative mapping of the main stakeholders in Southern Sudan with a view to deepening and further strengthening existing cooperation. The following measures have already been taken to address the recommendations of the audit:

- Regular expanded United Nations country team meetings are being co-chaired by the Special Representative of the Secretary-General and the Deputy Special Representative of the Secretary-General and United Nations Resident Coordinator and Humanitarian Coordinator in the Sudan with representation from UNMIS sections and the country team;
- Integrated mission taskforce video teleconferences are frequently held with Headquarters in New York, with representation from UNMIS substantive sections and United Nations country team members;
- A United Nations country team/UNMIS joint retreat resulted in the development of an UNMIS/United Nations country team action plan (the Resident Coordinator's Support Office is leading Working Group E on Capacity Development);
- The United Nations Integrated Referendum and Electoral Division was established following a lessons-learned exercise;

- UNMIS co-chaired the United Nations Development Assistance Framework outcome 1 on peacebuilding;
- UNMIS and the United Nations country team are engaged in the post-Comprehensive Peace Agreement planning for Southern Sudan and held a joint retreat in Juba in February with UNDP planning advisers fully engaging the United Nations country team;
- The operations management team of the United Nations country team is engaging UNMIS to assist with United Nations country team issues and issues of common concern or interest;
- Integration has been initiated between UNMIS and UNDP disarmament, demobilization and reintegration teams.

Paragraph 82 ***(now paragraph 84)***

47. The Deputy Special Representative of the Secretary-General has been working closely with the UNDP country office and the Integrated United Nations Disarmament, Demobilization and Reintegration Unit during the last six months to enhance the disarmament, demobilization and reintegration programme efficiency and effectiveness by initiating and taking the following steps:

- An independent programme review of the disarmament, demobilization and reintegration programme was commissioned and its final report was published on 30 December 2010, highlighting a number of recommendations for improved collaboration between UNMIS and UNDP;
- The Deputy Special Representative of the Secretary-General and United Nations Resident Coordinator and Humanitarian Coordinator in the Sudan facilitated discussions between UNMIS and UNDP on an updated memorandum of understanding on the Integrated United Nations Disarmament, Demobilization and Reintegration Unit to reactivate the integration between UNDP and UNMIS on the disarmament, demobilization and reintegration programme;
- Stakeholders have agreed on the readjustment of the current disarmament, demobilization and reintegration programme to continue until July 2011 and consultations are ongoing for the formulation of a post-Comprehensive Peace Agreement programme. Based on the review and subsequent discussions, a separate detailed action plan on the substantive readjustments is being prepared in collaboration with the North and South Commissions;
- UNMIS and UNDP have committed to strengthen their reporting systems to boost accountability to all stakeholders. Programme information on disarmament, demobilization and reintegration budget and expenditures will be shared more transparently with the North and South Commissions in order to foster national ownership and trust among partners. Our additional comments on the recommendation are reflected in paragraph 17 above.

Paragraph 83 ***(now paragraph 85)***

48. The recommendation on cooperation with the African Union focuses too much on public information, when in fact UNMIS key cooperation has been on support to African Union-led negotiations on post-referendum arrangements, including Abyei.

UNMIS considers this recommendation redundant and suggests that it be deleted from the report.

Paragraph 84 ***(now paragraph 86)***

49. The recommendation in paragraph 84 should be addressed to the Department of Field Support and not to the Department of Peacekeeping Operations. The Regional Support Centre in Entebbe is configured to support existing client missions, whose representatives comprise the Regional Support Centre Steering Committee. In the logistics area, this support is limited to the Transportation and Movement Integrated Control Centre, and support to new missions in the region would be provided only in movement control and transport areas. The United Nations Logistics Base is the custodian of strategic deployment stock and is an active participant in mission start-up. However, there is no strategic planning capacity in the United Nations Logistics Base for logistics, as this function is intended to be retained at Headquarters.

Paragraph 85 ***(now paragraph 87)***

50. The recommendation in paragraph 85 is not clear and specific and therefore not capable of being monitored during the implementation process.

Paragraph 86 ***(now paragraph 88)***

51. While the draft recommendation notes the importance of an exit strategy, it omits the following crucial factors:

- There is a high probability of a successor mission in Southern Sudan;
- There is no decision as yet about the possible successor mission in the three areas and Khartoum. It should be noted that a considerable planning process post-UNMIS is now well under way.

Paragraph 87 ***(now paragraph 90)***

52. Reference is made to our comments in paragraph 27 above. We request the closure of the recommendation.

Paragraph 88 ***(now paragraph 92)***

53. Please refer to our comments in paragraph 35 above.

Paragraph 89 ***(now paragraph 93)***

54. UNMIS accepts this recommendation and is already working on strategies for the post-referendum phase, which includes the comprehensive strategy for the protection of civilians.

55. Thank you for the opportunity to comment on the draft report. We stand ready to provide any further information that may be required.